

*City of Las Vegas*

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: MAY 6, 2009**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: ZON-33588 - APPLICANT: LV LAND PARTNERS - OWNER:  
OEHLER 1992 TRUST**

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**\*\* CONDITIONS \*\***

The Planning Commission (5-0-1/rt vote) and staff recommend APPROVAL.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This application is a request to Rezone 0.32 acres of property from an R-4 (High Density Residential) zoning district to a C-1 (Limited Commercial) zoning district. The subject site is generally located on the east side of 3<sup>rd</sup> Street, approximately 210 feet south of Charleston Boulevard. It is the applicant's intent to consolidate the three parcels and to seek entitlements for a Mixed-Use development in the near future.

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
01/15/64	The Board of City Commissioners approved a request for a reclassification of property (Z-0163-63) from the R-4 (Apartment Residence) zoning district to the C-1 (Limited Commercial) zoning district. The City Planning Commission recommended approval on 01/15/64.
08/17/66	The Board of City Commissioners approved the petition to Vacate (VAC-11-66) the alley between 3 <sup>rd</sup> and 4 <sup>th</sup> Street in the Boulder Addition, generally located between Charleston Boulevard and 4 <sup>th</sup> Place. NOTE: 4 <sup>th</sup> Place previously consisted of a cul-de-sac, adjacent to the south side of Charleston Boulevard, which has since been vacated.
12/28/04	Code Enforcement Case #24788 issued for illegal temporary structures (plastic tents located in rear yard) at 1121 South 3rd Street. This case was resolved on 03/22/05
05/16/07	The City Council approved the petition to Vacate (VAC-20522) an alley and a public access easement at 300 and 330 East Charleston Boulevard. NOTE: This Vacation expired on 05/16/08.
11/05/08	The City Council approved the petition to Vacate (VAC-29235) an alley and a public access easement at 300 and 330 East Charleston Boulevard.
04/09/09	<a href="#">The Planning Commission voted 5-0-1/rt to recommend APPROVAL (PC Agenda Item #37/mh).</a>
<b><i>Related Building Permits/Business Licenses</i></b>	
11/15/83	Business license (#A07-00691) was issued for apartment rentals at 1113 S. 3rd Street.
09/05/07	Business license (#Q01-00806) was issued for a real estate agent at 1113 S. 3rd Street. This license is issued under a Home Occupation Permit.

<b><i>Pre-Application Meeting</i></b>	
02/11/09	A pre-application meeting was held to discuss the applicant's request for a Rezoning, Special Use Permit, and Site Development Plan Review. The applicant was made aware of outstanding issues regarding the vacated alley adjacent to the north of the subject site that will need to be addressed prior to the review of the Special Use Permit and Site Development Plan Review requests.

<b>Neighborhood Meeting</b>	
A neighborhood meeting was not required, nor was one held.	
<b>Field Check</b>	
09/03/08	<p>A field check was made by staff with the following observations:</p> <ul style="list-style-type: none"> <li>• There area two small four-plexes and a single-family dwelling each located on a separate lot.</li> <li>• Vehicular access to the two four-plexes is provided at the rear while access to the single-family dwelling is provided via curb cut located on 3<sup>rd</sup> Street.</li> <li>• The general condition of the three properties is poor with a deficiency in adequate landscaping and groundcover.</li> <li>• The streetscape along the subject site, consisting of a five-foot wide sidewalk and five-foot wide amenity zone with 25-foot tall Date Palms, is in the process of being constructed by the City of Las Vegas.</li> </ul>

<b>Details of Application Request</b>	
<b>Site Area</b>	
Gross Acres	0.32

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Apartment Fourplexes	MXU (Mixed Use)	R-4 (High Density Residential)
North	Office	MXU (Mixed Use)	C-1 (Limited Commercial)
South	Undeveloped (Proposed Mixed-Use Development SDR-10143)	MXU (Mixed Use)	R-4 (High Density Residential)
East	Parking Lot and Office	C (Mixed Use)	C-1 (Limited Commercial)
West	Undeveloped and Office	MXU (Mixed Use)	C-1 (Limited Commercial)

<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Area Plan</b>			
Downtown Centennial Plan	X		Y
<b>Special Districts/Zones</b>	<b>Yes</b>	<b>No</b>	<b>Compliance</b>
<b>Special Purpose and Overlay Districts</b>			
Downtown Overlay District - 18b The Las Vegas Arts District	X		Y
Downtown Casino Overlay District	X		Y
Live/Work Overlay District	X		NA*

<b>Trails</b>		X	NA
<b>Rural Preservation Overlay District</b>		X	NA
<b>Development Impact Notification Assessment</b>		X	NA
<b>Project of Regional Significance</b>		X	NA

\*There are no proposed or existing Live/Work units related to this rezoning request.

**Redevelopment Plan Area** – The subject site is located within the boundaries of the Las Vegas Redevelopment Plan Area and supports the objectives and goals for urban redevelopment.

**Downtown Centennial Plan (18b The Las Vegas Arts District)** – The subject site is within 18b The Arts District. This district is intended to accommodate a wide variety of commercial and residential uses within a dense, urban environment with its own unique design standards. The proposed project is consistent with the goals and objectives of the Downtown Centennial Plan.

**Downtown Overlay District** – The subject site is located within the Downtown Overlay District. The intent of the Downtown Overlay District is to establish special design standards for development within the City's established urban core.

**Live/Work Overlay** – The subject site is within the Live/Work Overlay district. The proposed development will not offer any housing options; therefore, the project is not impacted by the Live/Work standards as outlined in Title 19.06.030.

## ANALYSIS

### Land Use and Zoning

The request to rezone the site from R-4 (High Density Residential) to C-1 (Limited Commercial) would allow, with the approval of a Special Use Permit, a combination of the medium to high density residential use with office, personal service, and retail uses of a limited character. The C-1 (Limited Commercial) zoning district would provide the broadest scope of compatible services for both the City and 18b The Las Vegas Arts District. The requested C-1 (Limited Commercial) zoning district is appropriately located between existing commercial uses to the north, east, and west and the high density residential use to the south and is consistent with the MXU (Mixed-Use) land use designation of the General Plan; therefore, staff recommends approval.

## FINDINGS

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

**1. “The proposal conforms to the General Plan.”**

The proposed C-1 (Limited Commercial) zoning district conforms to the underlying MXU (Mixed Use) land use designation. In addition, the proposed Rezoning from an R-4 (High Density Residential) to a C-1 (Limited Commercial) zoning district will allow for the increase in urban intensity that is anticipated and encouraged for 18b The Las Vegas Arts District portion of the Downtown Centennial Plan.

**2. “The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.”**

The proposed Rezoning from an R-4 (High Density Residential) to a C-1 (Limited Commercial) zoning district would be compatible with the C-1 (Limited Commercial) zoned parcels to the north, east, and west, while remaining compatible with the R-4 (High Density) zoned property to the south.

**3. “Growth and development factors in the community indicate the need for or appropriateness of the rezoning.”**

Growth and development factors within the 18b The Las Vegas Arts District indicate the need and appropriateness of the proposed Rezoning to a C-1 (Limited Commercial) zoning district. The applicant has communicated the intent to seek entitlements in the near future for an anticipated mixed-use development on the subject property.

**4. “Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.”**

Access to the site is provided from 3<sup>rd</sup> Street, which changes from an 80-foot wide Local Street to an 80-foot wide Secondary Collector south of Charleston Boulevard, as designated by the Master Plan of Streets and Highways. The existing street facilities are adequate in size to meet the requirements of the proposed C-1 (Limited Commercial) zoning district, which will intensify the land use and increase the associated vehicular traffic.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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**ASSEMBLY DISTRICT** 9

**SENATE DISTRICT** 10

**NOTICES MAILED** 128 by City Clerk

**APPROVALS** 2

**PROTESTS** 0